

10

IN THE UNITED STATES DISTRICT COURT

FOR THE Eastern DISTRICT OF Michigan

23-10017

AMY MOSSEL (Your Name),
Movant

v.

UNITED STATES SECURITIES AND
EXCHANGE COMMISSION
Respondent

F I L E D
MAY 02 2023
CLERK'S OFFICE
DETROIT

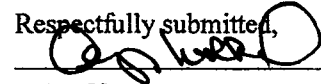
MOTION FOR ORDER
PURSUANT TO CUSTOMER CHALLENGE PROVISIONS
OF THE RIGHT TO FINANCIAL PRIVACY ACT OF 1978

I, AMY MOSSEL, (your name) move this Court, pursuant to Section 1110 of the Right to Financial Privacy Act of 1978, 12 U.S.C. 3410, for an order preventing the government from obtaining access to my financial records. The agency seeking access is the United States Securities and Exchange Commission.

My financial records are held by American Express, Subpoena Response Unit (SRU) and
located at 43 Butterfield Circle El Paso TX 79906
(name and address of financial institution).

I have attached my sworn statement in support of this motion.

Respectfully submitted,



Amy Mosse

1343 SW Seagull Way, Palm City, FL 34990

772-324-9352

(Your Signature, Name, Address,
and Telephone Number)

IN THE UNITED STATES DISTRICT COURT

FOR THE Eastern DISTRICT OF Michigan

AMY MOSSEL (Your Name),
Movant

v.

UNITED STATES SECURITIES AND
EXCHANGE COMMISSION,
Respondent

I, AMY MOSSEL (your name), (am now/was previously) a customer of
AMERICAN EXPRESS, Subpoena Response Unit, located at 43 BUTTERFIELD CIRCLE EL PASO TX 79906
(name and address of financial institution) and I am the customer whose
records are being requested by the United States Securities and Exchange Commission.

The financial records sought by the United States Securities and Exchange Commission
are not relevant to the legitimate law enforcement inquiry stated in the Customer Notice that was
sent to me because

The information available from American Express regarding purchases on
a credit card or via merchant processing is far reaching and not
necessary for allegations against me personally, Amy Mossel, a resident
of the State of Florida since 2004, and on behalf of AEO Publishing
Inc., in the Matter of Michael Glaspie (C-08801).

Though the SEC states in their cover letter to American Express "this
inquiry is confidential and should not be construed as an indication by
the Commission or its staff that any violation of law has occurred,"
American Express will close any open accounts - not maybe, they will -
which will negatively impact my ability to conduct business. I believe
the SEC is requesting the documents under this subpoena only on the
basis of inflicting financial loss and emotional stress and anxiety to
the detriment of the defendant.

These records should also not be disclosed on the following legal
basis:

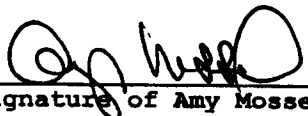
1. The SEC "Subpoena Attachment" has in Point 12, a "Relevant Period"
beginning January 1, 2017 or the earliest time for which records exist,
whichever is earlier...". I, under the business structure of AEO
Publishing Inc., have been an American Express member since 1998 with
no issues and find the "Relevant Period" way beyond the scope of this
case, and the SEC has not proven the records sought will provide any
evidence of 'intent' or assert their true goal for obtaining these
records.

2. Further, the Right To Financial Privacy Act generally requires the customer receive an explanation of the purpose for which the records are sought. There exists no explanation for the request by the SEC, or evidence of intent against Amy Mossel, and/or on behalf of AEO Publishing Inc, a Delaware Corporation owned by Amy Mossel, and the corporation and customer of record having a business relationship with American Express.

3. Further, this request is an abuse of process as the plaintiff already filed a civil case listing Amy Mossel and AEO Publishing Inc as defendants and thereby should already have all evidence required to proceed and should have gathered all the information they need. To file the case so they then can pursue obtaining the records to support their case is outrageous.

4. Further, the documents the SEC requested by subpoena to American Express, groups any account numbers or merchant account numbers that belong to Amy Mossel and/or AEO Publishing Inc together with any accounts that belong to Michael Glaspie in the same request, though Michael Glaspie has no position as owner or officer of AEO Publishing Inc. and is a separate entity from Amy Mossel and/or AEO Publishing Inc. The SEC obviously sees Amy Mossel and Michael Glaspie as separate as they deemed it necessary to inform each person individually via UPS Next Day air of their intent to subpoena American Express, yet they are trying to group all records of all accounts together in order to cast a wider net.

I declare under penalty of perjury that this statement foregoing is true and correct.


(signature of Amy Mossel)

Dated: 4-28-23

(Signature)

Amex Express



CHICAGO
REGIONAL OFFICE

UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
175 W. JACKSON BOULEVARD, SUITE 1450
CHICAGO, IL 60604

CUSTOMER NOTICE

April 20, 2023

VIA UPS

Amy Mossel
1343 SW Seagull Way
Palm City, Florida 34990-1729

Re: In the Matter of Michael Glaspie (C-08801)

Dear Ms. Mossel:

Records or information concerning your transactions held by the financial institution named in the attached subpoena are being sought by the United States Securities and Exchange Commission (the "Commission") in accordance with the Right to Financial Privacy Act of 1978, 12 U.S.C. 3401-22. On December 3, 2021, the Commission entered a formal order of investigation, "In the Matter of Michael Glaspie." The attached subpoena was issued pursuant to the formal order of investigation, and the information sought is to assist the Commission in determining the issues set forth in the formal order of investigation. That order states that the Commission deems certain acts and practices to be in possible violation of: Sections 5(a), 5(c), and 17(a) of the Securities Act of 1933, Sections 15(a) and 10(b) of the Securities Exchange Act of 1934 and Rule 10b-5 thereunder, and Sections 203(A), 206(1), 206(2), and 206(4) of the Investment Advisers Act of 1940 and Rule 206(4)-8 thereunder. You may arrange to review a copy of the formal order, if you have not already done so, by contacting me.

The authority for this investigation is: Section 20(a) of the Securities Act of 1933, Section 21(a) of the Securities Exchange Act of 1934, and Section 209(a) of the Investment Advisers Act of 1940. If you desire a copy of the authority for this investigation, please contact me.

If you desire that such records or information not be made available to the Commission in response to the subpoena, you must:

- (1) Fill out the accompanying motion paper and sworn statement or write one of your own, stating that you are the customer whose records are being requested by the Commission, and giving either the reasons you believe that the records are not relevant to the legitimate law enforcement inquiry stated in this notice or any other legal basis for objecting to the release of the records.

(2) File the motion and sworn statement (together with the applicable filing fee) by mailing or delivering them to the Clerk of any one of the following United States District Courts:

- a. U.S. District Court for the Northern District of Illinois.
- b. The District Court with jurisdiction over the financial institution.
- c. The District Court with jurisdiction over your place of residence.
- d. Any other District Court that is appropriate under 28 U.S.C. 1391(e).

(It would simplify the proceeding if you would include with your motion and sworn statement a copy of the attached subpoena, as well as a copy of this notice. We ask that you also forward to the following email address – RFPA@sec.gov – a copy of any RFPA challenge you file in court.)

(3) Serve the Commission by mailing (by registered or certified mail) or by delivering a copy of your motion and sworn statement to:

Barry Isenman
Assistant Director
Chicago Regional Office
Securities and Exchange Commission
175 W. Jackson, Suite 1450
Chicago, IL 60604

*US District Ct
Eastern Dist of MI*
Clerks Office
231 W Lafayette Blvd
Detroit MI
48226

and

Melinda Hardy, Esq.
Associate General Counsel
Securities and Exchange Commission
100 F St., N.E.
Washington, D. C. 20549

- (4) Be prepared to come to court and present your position in further detail.
- (5) You do not need to have a lawyer, although you may wish to employ one to represent you and protect your rights.

If you do not follow the above procedures, upon the expiration of the earlier of ten days from the date of service or fourteen days from the mailing of this notice, the records or information requested therein will be made available to the Commission. These records may be transferred to other government authorities for legitimate law enforcement inquiries, in which event (except as provided by law), you will be notified after the transfer.



CHICAGO
REGIONAL OFFICE

UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
175 W. JACKSON BOULEVARD, SUITE 1450
CHICAGO, IL 60604

April 20, 2023

VIA FAX: 772-360-4756
American Express
Subpoena Response Unit (SRU)
43 Butterfield Circle
El Paso, Texas 79906

Re: In the Matter of Michael Glaspie (C-08801)

Dear Sir/Madam:

The enclosed subpoena has been issued pursuant to a formal order entered by the United States Securities and Exchange Commission. The subpoena requires American Express ("Bank") to produce documents.

Unless otherwise indicated, the subpoena requires the production of original materials. For your convenience and at your expense, however, you may for now satisfy this requirement by producing copies of the documents specified. If you do produce copies, you should maintain the originals. I will notify you if and when they are required.

Copies of documents and information maintained in electronic formats must be produced in compliance with the technical requirements set out in the attached copy of the SEC's Data Delivery Standards. You should contact me prior to production in an electronic format other than those identified in the Data Delivery Standards.

Certain of the information called for by the subpoena may constitute "financial records" of a "customer" within the meaning of the Right to Financial Privacy Act of 1978 [12 U.S.C. 3401-22] (the "RFPA"). Pursuant to Section 1103(b) of the RFPA [12 U.S.C. 3403(b)], you may not release these records to us until I have furnished you with a certificate of compliance with the applicable provisions of that act. I expect to send you such a certificate in approximately 14 days.

If the document production contains Bank Secrecy Act materials, please segregate and label those materials within the production.

Please send the documents required by the subpoena to on or before May 10, 2023:

ENF-CPU (U.S. Securities & Exchange Commission)



SUBPOENA

UNITED STATES OF AMERICA SECURITIES AND EXCHANGE COMMISSION

In the Matter of Michael Glaspie (C-08801)

To: American Express
Subpoena Response Unit (SRU)
43 Butterfield Circle
El Paso, Texas 79906

☒ **YOU MUST PRODUCE** everything specified in the Attachment to this subpoena to officers of the Securities and Exchange Commission, at the place, date and time specified below:

ENF-CPU, U.S. Securities and Exchange Commission, 14420 ALBEMARLE POINT
PL, Suite 102, CHANTILLY, VA 20151-1750, no later than May 10, 2023 at 5:00 p.m.

☐ **YOU MUST TESTIFY** before officers of the Securities and Exchange Commission, at the place, date and time specified below:

FEDERAL LAW REQUIRES YOU TO COMPLY WITH THIS SUBPOENA.

If you do not comply with this subpoena, the SEC may bring an action in Federal Court to enforce this subpoena. Failure to comply with a court order enforcing this subpoena may result in the court imposing a fine, imprisonment, or both.

By: /s/ Barry Isenman
Barry Isenman, Assistant Director
U.S. Securities and Exchange Commission
175 W. Jackson Blvd., Suite 1450
Chicago, IL 60604

Date: April 20, 2023

I am an officer of the Securities and Exchange Commission authorized to issue subpoenas in this matter. The Securities and Exchange Commission has issued a formal order authorizing this investigation under Section 20(a) of the Securities Act of 1933, Section 21(a) of the Securities Exchange Act of 1934, and Section 209(a) of the Investment Advisers Act of 1940.

NOTICE TO WITNESS: If you claim a witness fee or mileage, submit this subpoena with the claim voucher.

14420 ALBEMARLE POINT PL
Suite 102
CHANTILLY, VA 20151-1750

For smaller electronic productions, under 10MB in size, the materials may be sent via secure email to ENF-CPU@sec.gov with a copy to roldand@sec.gov. Additionally, please include the SEC matter number and the name of the requesting attorney when responding.

I have attached a Declaration Certifying Records; execution of the declaration may allow the Commission to introduce documents provided by Bank in any subsequent judicial proceeding, without requiring the testimony of your custodian of records should the documents be required at trial.

Pursuant to Section 1115 of the RFPA [12 U.S.C. 3415], you may be entitled to reimbursement for certain costs incurred in complying with this subpoena. In order to obtain reimbursement, you must submit an itemized bill or invoice to Dante Roldán at roldand@sec.gov within 30 days after production.

This inquiry is confidential and should not be construed as an indication by the Commission or its staff that any violation of law has occurred, or as a reflection upon any person, entity, or security. If you have any questions concerning this matter, you may call **Dante Roldán at 312 208-7827**.

Sincerely,

/s/ Barry Isenman

Barry Isenman
Assistant Director
Division of Enforcement

Enclosures:

Subpoena
SEC Form 1662
SEC Data Delivery Standards
Declaration Certifying Records

THE UPS STORE
 1776 S. 218-8823
 2749 S. MARTIN LUTHER BLVD
 PALM CITY, FL 34989-6946

SHIP US DISTRICT COURT EASTERN DIST MI
 TO: CLERKS OFFICE, US DISTRICT COURT
 231 W LAFAYETTE BLVD

DETROIT MI 48226-2702

1 LBS 1 OF 1
 S&P WT: 1 LBS
 DATE: 23 MAY 2023

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UPS NEXT DAY AIR 1

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BILLING: P/P

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Clerks Office, US District Court
 US District Court Eastern Dist of MI
 231 W Lafayette Blvd
 Detroit MI 48226

CLERKS OFFICE, US DISTRICT COUR
 231 W LAFAYETTE BLVD
 DETROIT MI 48226

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